

APPEAL, CLOSED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10281-EFH**

Ary Jewelers, LLC v. IBJTC Business Credit Corporation
Assigned to: Senior Judge Edward F. Harrington
Cause: 28:1332 Diversity-Property Damage

Date Filed: 02/10/2004
Jury Demand: None
Nature of Suit: 380 Personal Property:
Other
Jurisdiction: Diversity

Plaintiff

Ary Jewelers, LLC

represented by **Ashish Mahendru**
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Stephen P. Carrigan
The Carrigan Law Firm LLP

Defendant

Whitehall Business Credit Corp.
TERMINATED: 05/07/2004

represented by **Dale Lee Beckerman**
(See above for address)
TERMINATED: 03/19/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert S. Fischler
(See above for address)
LEAD ATTORNEY
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Defendant

IBJ Whitehall Business Credit Corp.
TERMINATED: 05/07/2004

represented by **Dale Lee Beckerman**
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TERMINATED: 03/19/2004
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Defendant

IBJTC Business Credit Corp.

represented by **Dale Lee Beckerman**
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TERMINATED: 03/19/2004
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ATTORNEY TO BE NOTICED

Defendant

David Molinario
TERMINATED: 05/01/2006

represented by **Dale Lee Beckerman**
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TERMINATED: 03/19/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lee S. Gayer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED









Robert S. Fischler
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher R. Dillon
 (See above for address)
ATTORNEY TO BE NOTICED

Kate Cimini
 (See above for address)
ATTORNEY TO BE NOTICED

Robert M. Thomas, Jr.
 (See above for address)
TERMINATED: 03/22/2005
ATTORNEY TO BE NOTICED

Royston H. Delaney
 (See above for address)
TERMINATED: 03/22/2005
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/10/2004	 18	Case transferred in from District of Western Missouri; Case Number 03-0439-CV-W-FJG. Original file with documents numbered 1-17, certified copy of transfer order and docket sheet received. (Attachments: # <u>1</u> Docket) (Holahan, Sandra) (Entered: 02/17/2004)
02/10/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge BOWLER. (Holahan, Sandra) (Entered: 03/02/2004)
02/18/2004	 19	NOTICE of Scheduling Conference Scheduling Conference set for 5/12/2004 02:00 PM in Courtroom 19 before Edward F. Harrington. (Holahan, Sandra) (Entered: 02/18/2004)
03/19/2004	 20	NOTICE of Withdrawal of Appearance Attorney Dale Lee Beckerman terminated. (Holahan, Sandra) (Entered: 03/19/2004)
05/04/2004	 21	NOTICE of Appearance by Royston H. Delaney, Robert M. Thomas Jr. on behalf of IBJTC Business Credit Corp. (Holahan, Sandra) (Entered: 05/05/2004)
05/04/2004	 23	JOINT STATEMENT re scheduling conference. (Holahan, Sandra) (Entered: 05/07/2004)
05/07/2004	 22	NOTICE of Appearance by Royston H. Delaney, Robert M. Thomas Jr. on behalf of David Molinario (Holahan, Sandra) (Entered: 05/07/2004)
05/12/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge Edward














		F. Harrington : Scheduling Conference held on 5/12/2004. Case called; Joint statement approved; Final Pretrial Conference scheduled for 2/15/2006. Order issued. (Court Reporter none.) (Holahan, Sandra) (Entered: 05/13/2004)
05/12/2004	<u>24</u>	Judge Edward F. Harrington : PROCEDURAL ORDER re pretrial: Final Pretrial Conference set for 2/15/2006 02:00 PM in Courtroom 19 before Edward F. Harrington. SO ORDERED. cc/cl(Holahan, Sandra) (Entered: 05/13/2004)
05/24/2004	<u>25</u>	MOTION for Leave to Appear Pro Hac Vice by Robert S. Fischler by IBJTC Business Credit Corp., David Molinario.(Holahan, Sandra) (Entered: 05/26/2004)
05/24/2004	<u>26</u>	AFFIDAVIT of Robert S. Fischler in Support re <u>25</u> MOTION for Leave to Appear Pro Hac Vice by Robert S. Fischler. (Holahan, Sandra) (Entered: 05/26/2004)
05/25/2004		Judge Edward F. Harrington : ORDER entered ELECTRONIC ENDORSEMENT re 25 MOTION for Leave to Appear Pro Hac Vice by Robert S. Fischler filed by IBJTC Business Credit Corp., David Molinario. MOTION ALLOWED. cc/cl(Holahan, Sandra) (Entered: 05/26/2004)
05/25/2004	<u>27</u>	Judge Edward F. Harrington : ELECTRONIC ORDER entered granting <u>25</u> Motion for Leave to Appear Pro Hac Vice Added Robert S. Fischler for IBJTC Business Credit Corp. and David Molinario (Holahan, Sandra) (Entered: 05/26/2004)
06/01/2004		Filing fee: \$ 50, receipt number 56263 regarding motion to appear phv (Holahan, Sandra) (Entered: 06/03/2004)
06/17/2004	<u>28</u>	NOTICE of filing Rule 26(a) initial disclosures by Ary Jewelers, LLC (Holahan, Sandra) (Entered: 06/21/2004)
07/12/2004	<u>29</u>	CERTIFICATION pursuant to Local Rule 16.1 by Ary Jewelers, LLC, IBJ Whitehall Bank & Trust Co..(Holahan, Sandra) (Entered: 07/19/2004)
03/11/2005	<u>30</u>	ASSENTED MOTION for Extension of Time to 6/15/2005 to Complete Discovery by Ary Jewelers, LLC.(Holahan, Sandra) (Entered: 03/14/2005)
03/15/2005		Judge Edward F. Harrington : Electronic ORDER entered granting <u>30</u> Motion for Extension of Time to Complete Discovery. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 03/15/2005)
03/21/2005	<u>31</u>	NOTICE of Change of Address by Robert S. Fischler (Fischler, Robert) (Entered: 03/21/2005)
03/22/2005	<u>32</u>	Letter/request (non-motion) from Rory Delaney. (Holahan, Sandra) (Entered: 03/31/2005)
03/22/2005		NOTICE of Withdrawal of Appearance Attorney Royston H. Delaney

		and Robert M. Thomas, Jr terminated. (Holahan, Sandra) (Entered: 03/31/2005)
06/06/2005	<u>33</u>	NOTICE of Appearance by Kate Cimini on behalf of IBJTC Business Credit Corp., David Molinario (Cimini, Kate) (Entered: 06/06/2005)
06/06/2005	<u>34</u>	MOTION for Leave to Appear Pro Hac Vice by Lee S. Gayer by IBJTC Business Credit Corp., David Molinario. (Attachments: # <u>1</u> Certificate of Lee S. Gayer in Support of Motion for Admission Pro Hac Vice)(Cimini, Kate) (Entered: 06/06/2005)
06/06/2005		Filing fee: \$ 50.00. receipt number 64750 regarding motion to appear pro hac vice #34 (Holahan, Sandra) (Entered: 06/06/2005)
06/08/2005		Judge Edward F. Harrington : Electronic ORDER entered granting <u>34</u> Motion for Leave to Appear Pro Hac Vice Added Lee S. Gayer for IBJTC Business Credit Corp. and David Molinario. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 06/08/2005)
07/27/2005	<u>35</u>	DESIGNATION OF EXPERT WITNESSES by Ary Jewelers, LLC. (Abaid, Kim) (Entered: 08/01/2005)
08/11/2005	<u>36</u>	MOTION for Summary Judgment by IBJTC Business Credit Corp., David Molinario.(Cimini, Kate) (Entered: 08/11/2005)
08/11/2005	<u>37</u>	MEMORANDUM in Support re <u>36</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Cimini, Kate) (Entered: 08/11/2005)
08/11/2005	<u>38</u>	AFFIDAVIT in Support re <u>36</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Exhibit O# <u>16</u> Exhibit P)(Cimini, Kate) (Entered: 08/11/2005)
08/11/2005	<u>39</u>	AFFIDAVIT in Support re <u>36</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Cimini, Kate) (Entered: 08/11/2005)
08/11/2005	<u>40</u>	AFFIDAVIT of Francis D. O'Connor, Jr. in Support re <u>36</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Cimini, Kate) (Entered: 08/11/2005)
08/19/2005	<u>41</u>	CORRECTED MEMORANDUM in Support re <u>36</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Bell, Marie) (Entered: 08/22/2005)
08/23/2005	<u>42</u>	Joint MOTION for Extension of Time to File Opposition to Defendants' Motion for Summary Judgment and to Complete Expert Discovery, Joint MOTION for Leave to File a <i>Reply Brief</i> by IBJTC Business Credit Corp., David Molinario.(Cimini, Kate) (Entered: 08/23/2005)













		and Robert M. Thomas, Jr terminated. (Holahan, Sandra) (Entered: 03/31/2005)
06/06/2005	<u>33</u>	NOTICE of Appearance by Kate Cimini on behalf of IBJTC Business Credit Corp., David Molinario (Cimini, Kate) (Entered: 06/06/2005)
06/06/2005	<u>34</u>	MOTION for Leave to Appear Pro Hac Vice by Lee S. Gayer by IBJTC Business Credit Corp., David Molinario. (Attachments: # <u>1</u> Certificate of Lee S. Gayer in Support of Motion for Admission Pro Hac Vice)(Cimini, Kate) (Entered: 06/06/2005)
06/06/2005	<u>3</u>	Filing fee: \$ 50.00. receipt number 64750 regarding motion to appear pro hac vice #34 (Holahan, Sandra) (Entered: 06/06/2005)
06/08/2005	<u>3</u>	Judge Edward F. Harrington : Electronic ORDER entered granting <u>34</u> Motion for Leave to Appear Pro Hac Vice Added Lee S. Gayer for IBJTC Business Credit Corp. and David Molinario. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 06/08/2005)
07/27/2005	<u>35</u>	DESIGNATION OF EXPERT WITNESSES by Ary Jewelers, LLC. (Abaid, Kim) (Entered: 08/01/2005)
08/11/2005	<u>36</u>	MOTION for Summary Judgment by IBJTC Business Credit Corp., David Molinario.(Cimini, Kate) (Entered: 08/11/2005)
08/11/2005	<u>37</u>	MEMORANDUM in Support re <u>36</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Cimini, Kate) (Entered: 08/11/2005)
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08/11/2005	<u>39</u>	AFFIDAVIT in Support re <u>36</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Cimini, Kate) (Entered: 08/11/2005)
08/11/2005	<u>40</u>	AFFIDAVIT of Francis D. O'Connor, Jr. in Support re <u>36</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Cimini, Kate) (Entered: 08/11/2005)
08/19/2005	<u>41</u>	CORRECTED MEMORANDUM in Support re <u>36</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Bell, Marie) (Entered: 08/22/2005)
08/23/2005	<u>42</u>	Joint MOTION for Extension of Time to File Opposition to Defendants' Motion for Summary Judgment and to Complete Expert Discovery, Joint MOTION for Leave to File a <i>Reply Brief</i> by IBJTC Business Credit Corp., David Molinario.(Cimini, Kate) (Entered: 08/23/2005)












08/25/2005	<u>43</u>	NOTICE of Appearance by Ashish Mahendru on behalf of Ary Jewelers, LLC. c/s. (Bell, Marie) (Entered: 08/26/2005)
08/25/2005	<u>44</u>	MOTION for Leave to Appear Pro Hac Vice by Stephen P. Carrigan and Jill L. Groff Filing fee \$ 100.00, receipt number 66485. by Ary Jewelers, LLC. c/s.(Bell, Marie) (Entered: 08/26/2005)
08/25/2005	<u>45</u>	Certificate of Good Standing by Jill L. Groff re <u>44</u> MOTION for Leave to Appear Pro Hac Vice by Stephen P. Carrigan and Jill L. Groff Filing fee \$ 100.00, receipt number 66485.. (Bell, Marie) (Entered: 08/26/2005)
08/25/2005	<u>46</u>	Certificate of Good Standing by Carrigan re <u>44</u> MOTION for Leave to Appear Pro Hac Vice by Stephen P. Carrigan and Jill L. Groff Filing fee \$ 100.00, receipt number 66485.. (Bell, Marie) (Entered: 08/26/2005)
08/30/2005	<u>42</u>	Judge Edward F. Harrington : Electronic ORDER entered granting <u>42</u> Motion for Extension of Time, granting <u>42</u> Motion for Leave to File. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 08/31/2005)
09/01/2005	<u>44</u>	Judge Edward F. Harrington : Electronic ORDER entered granting <u>44</u> Motion for Leave to Appear Pro Hac Vice Added Stephen P. Carrigan for Ary Jewelers, LLC, Jill L. Groff for Ary Jewelers, LLC. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 09/02/2005)
09/12/2005	<u>47</u>	NOTICE of Change of Address by Stephen P. Carrigan, Jill L. Groff (Holahan, Sandra) (Entered: 09/14/2005)
09/15/2005	<u>48</u>	MOTION for Leave to File second amended complaint by Ary Jewelers, LLC.(Holahan, Sandra) (Entered: 09/19/2005)
09/15/2005	<u>49</u>	MOTION for Leave to File objections to defendants' summary judgment evidence and motion to strike. or in the alternative, to file opposition more than 20 pages in length by Ary Jewelers, LLC.(Holahan, Sandra) (Entered: 09/19/2005)
09/15/2005	<u>50</u>	Opposition re <u>36</u> MOTION for Summary Judgment filed by Ary Jewelers, LLC. (Holahan, Sandra) (Entered: 09/19/2005)
09/15/2005	<u>51</u>	Plaintiff's STATEMENT of material facts of record as to which it is contended that there exists a genuine issue to be tried re <u>36</u> MOTION for Summary Judgment. (Holahan, Sandra) (Entered: 09/19/2005)
09/15/2005	<u>53</u>	MOTION to Strike certain defendant's exhibits by Ary Jewelers, LLC. (Holahan, Sandra) (Entered: 09/20/2005)
09/15/2005	<u>54</u>	AFFIDAVIT of Barry Pickens in Support re <u>50</u> Opposition to Motion. (Attachments: # <u>1</u> Exhibit 1 (NOT SCANNED))(Holahan, Sandra) (Entered: 09/20/2005)
09/15/2005	<u>55</u>	Supplemental Affidavit of Barry Pickens (Holahan, Sandra) (Entered: 09/20/2005)
09/15/2005	<u>56</u>	AFFIDAVIT of Jill L. Groff in Support re <u>50</u> Opposition to Motion. (Attachments: # <u>1</u> Exhibit 1-3 (NOT SCANNED))(Holahan, Sandra) (Entered: 09/20/2005)












09/15/2005	<u>57</u>	AFFIDAVIT of Thomas Bonville in Support re <u>50</u> Opposition to Motion. (Holahan, Sandra) Additional attachment(s) added on 9/20/2005 (Holahan, Sandra). (Entered: 09/20/2005)
09/15/2005	<u>58</u>	AFFIDAVIT of John S. Baerst in Support re <u>50</u> Opposition to Motion. (Attachments: # <u>1</u> Exhibit 1-3 (NOT SCANNED))(Holahan, Sandra) (Entered: 09/20/2005)
09/15/2005	<u>59</u>	AFFIDAVIT of Tom Morgan in Support re <u>50</u> Opposition to Motion. (Attachments: # <u>1</u> Exhibit 1)(Holahan, Sandra) (Entered: 09/20/2005)
09/15/2005	<u>60</u>	AFFIDAVIT of Shirley Webster in Support re <u>50</u> Opposition to Motion. (Attachments: # <u>1</u> Exhibit 1-7 (NOT SCANNED))(Holahan, Sandra) (Entered: 09/20/2005)
09/15/2005	<u>61</u>	AFFIDAVIT of Joseph G. Thompson, III in Support re <u>50</u> Opposition to Motion. (Attachments: # <u>1</u> Exhibit 1 (NOT SCANNED))(Holahan, Sandra) (Entered: 09/20/2005)
09/15/2005	<u>62</u>	AFFIDAVIT of Ijaz-Ul-Ahsan in Support re <u>50</u> Opposition to Motion. (Holahan, Sandra) (Entered: 09/20/2005)
09/19/2005	<u>52</u>	STATEMENT of facts re <u>36</u> MOTION for Summary Judgment. (Cimini, Kate) (Entered: 09/19/2005)
09/22/2005	<u>63</u>	Judge Edward F. Harrington : ORDER entered. REVISED PROCEDURAL ORDER re pretrial: Final Pretrial Conference set for 2/15/2006 11:00 AM in Courtroom 13 before Judge Edward F. Harrington. SO ORDERED. cc/cl(Holahan, Sandra) (Entered: 09/26/2005)
09/29/2005	<u>64</u>	REPLY to Response to Motion re <u>36</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Cimini, Kate) (Entered: 09/29/2005)
09/29/2005	<u>65</u>	AFFIDAVIT in Support re <u>64</u> Reply to Response to Motion. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5)(Cimini, Kate) (Entered: 09/29/2005)
09/29/2005	<u>66</u>	Opposition re <u>48</u> MOTION for Leave to File <i>Second Amended Complaint</i> filed by IBJTC Business Credit Corp., David Molinario. (Cimini, Kate) (Entered: 09/29/2005)
09/29/2005	<u>67</u>	Opposition re <u>53</u> MOTION to Strike filed by IBJTC Business Credit Corp., David Molinario. (Cimini, Kate) (Entered: 09/29/2005)
09/29/2005	<u>68</u>	MOTION to Strike <i>Certain Material Filed by Plaintiff in Opposition to Defendants' Motion for Summary Judgment</i> by IBJTC Business Credit Corp., David Molinario.(Cimini, Kate) (Entered: 09/29/2005)
09/29/2005	<u>69</u>	MEMORANDUM in Support re <u>68</u> MOTION to Strike <i>Certain Material Filed by Plaintiff in Opposition to Defendants' Motion for Summary Judgment</i> filed by IBJTC Business Credit Corp., David Molinario. (Cimini, Kate) (Entered: 09/29/2005)

10/11/2005		Judge Edward F. Harrington : ElectronicORDER entered granting <u>48</u> Motion for Leave to File second amended complaint. MOTION ALLOWED. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 10/11/2005)
10/11/2005	 70	SECOND AMENDED COMPLAINT against IBJTC Business Credit Corp., David Molinario, filed by Ary Jewelers, LLC.(Holahan, Sandra) (Entered: 10/11/2005)
10/11/2005		Judge Edward F. Harrington : ElectronicORDER entered granting in part and denying in part <u>49</u> Motion for Leave to File objections to defendants' summary judgment evidence and motion to strike, or in the alternative, to file opposition more than 20 pages in length. MOTION TO FILE OPPOSITION IS ALLOWED; MOTION FOR LEAVE IS DENIED. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 10/11/2005)
10/11/2005		Judge Edward F. Harrington : ElectronicORDER entered denying <u>68</u> Motion to Strike. MOTION DENIED. cc/cl (Holahan, Sandra) (Entered: 10/11/2005)
10/11/2005	 71	Judge Edward F. Harrington : ORDER entered finding as moot <u>36</u> Motion for Summary Judgment. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 10/12/2005)
10/21/2005	 72	ANSWER to Amended Complaint by IBJTC Business Credit Corp., David Molinario.(Cimini, Kate) (Entered: 10/21/2005)
10/24/2005	 73	MOTION for Summary Judgment by IBJTC Business Credit Corp., David Molinario.(Dillon, Christopher) (Entered: 10/24/2005)
10/24/2005	 74	STATEMENT of facts re <u>73</u> MOTION for Summary Judgment. (Dillon, Christopher) (Entered: 10/24/2005)
10/24/2005	 75	MEMORANDUM in Support re <u>73</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Dillon, Christopher) (Entered: 10/24/2005)
10/24/2005	 76	AFFIDAVIT of Kate Cimini in Support re <u>73</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J)(Dillon, Christopher) (Entered: 10/24/2005)
10/24/2005	 77	AFFIDAVIT of Francis D. O'Connor, Jr. in Support re <u>73</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Dillon, Christopher) (Entered: 10/24/2005)
10/24/2005	 78	AFFIDAVIT of Steven Cole in Support re <u>73</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Dillon, Christopher) (Entered: 10/24/2005)
11/04/2005	 79	MOTION to Continue Defendant's Motion for Summary Judgment by Ary Jewelers, LLC. (Attachments: # <u>1</u> Text of Proposed Order)

















		(Mahendru, Ashish) (Entered: 11/04/2005)
11/04/2005	<u>80</u>	EXHIBIT re <u>79</u> MOTION to Continue Defendant's Motion for Summary Judgment by Ary Jewelers, LLC. (Mahendru, Ashish) (Entered: 11/04/2005)
11/04/2005	<u>81</u>	Opposition re <u>79</u> MOTION to Continue Defendant's Motion for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Dillon, Christopher) (Entered: 11/04/2005)
11/07/2005	<u>82</u>	MOTION for Leave to File <i>Opposition More Than 20 Pages In Length</i> by Ary Jewelers, LLC. (Attachments: # <u>1</u> Text of Proposed Order) (Mahendru, Ashish) (Entered: 11/07/2005)
11/07/2005	<u>83</u>	Supplemental Opposition re <u>73</u> MOTION for Summary Judgment filed by Ary Jewelers, LLC. (Mahendru, Ashish) (Entered: 11/07/2005)
11/07/2005	<u>84</u>	STATEMENT of facts <i>Supplemental</i> . (Mahendru, Ashish) (Entered: 11/07/2005)
11/07/2005	<u>85</u>	MOTION to Strike <u>77</u> Affidavit in Support of Motion, <u>78</u> Affidavit in Support of Motion, <u>73</u> MOTION for Summary Judgment, <u>76</u> Affidavit in Support of Motion, by Ary Jewelers, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Mahendru, Ashish) (Entered: 11/07/2005)
11/07/2005	<u>86</u>	MEMORANDUM in Support re <u>85</u> MOTION to Strike <u>77</u> Affidavit in Support of Motion, <u>78</u> Affidavit in Support of Motion, <u>73</u> MOTION for Summary Judgment, <u>76</u> Affidavit in Support of Motion, filed by Ary Jewelers, LLC. (Mahendru, Ashish) (Entered: 11/07/2005)
11/07/2005	<u>87</u>	MOTION to File Reply Brief and Statement of Mootness re <u>73</u> MOTION for Summary Judgment. <u>79</u> MOTION to Continue Defendant's Motion for Summary Judgment by IBJTC Business Credit Corp., David Molinario.(Dillon, Christopher) (Entered: 11/07/2005)
11/07/2005	<u>8</u>	Judge Edward F. Harrington : ElectronicORDER entered denying <u>79</u> Motion to Continue. MOTION FOR CONTINUENCE OF CONSIDERATION IS DENIED. cc/cl (Holahan, Sandra) (Entered: 11/08/2005)
11/07/2005	<u>88</u>	MOTION to Compel production of documents by Ary Jewelers, LLC. (Holahan, Sandra) (Entered: 11/09/2005)
11/08/2005	<u>8</u>	Judge Edward F. Harrington : ElectronicORDER entered granting <u>82</u> Motion for Leave to File opposition more than 20 pages. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 11/08/2005)
11/09/2005	<u>89</u>	Opposition re <u>88</u> MOTION to Compel filed by IBJTC Business Credit Corp., David Molinario. (Dillon, Christopher) (Entered: 11/09/2005)
11/15/2005	<u>90</u>	REPLY to Response to Motion re <u>73</u> MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Dillon, Christopher) (Entered: 11/15/2005)
11/15/2005	<u>91</u>	Opposition re <u>85</u> MOTION to Strike <u>77</u> Affidavit in Support of Motion,

		78 Affidavit in Support of Motion, 73 MOTION for Summary Judgment, 76 Affidavit in Support of Motion, filed by IBJTC Business Credit Corp., David Molinario. (Attachments: # 1 Exhibit Prior Opposition)(Dillon, Christopher) (Entered: 11/15/2005)
11/17/2005		Judge Edward F. Harrington : ORDER entered denying 85 Motion to Strike. MOTION TO STRIKE IS DENIED. cc/cl (Holahan, Sandra) (Entered: 11/17/2005)
12/14/2005	 92	REPLY to Response to Motion re 73 MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario. (Holahan, Sandra) (Entered: 12/19/2005)
12/20/2005	 93	Judge Edward F. Harrington : ORDER entered. ORDER Setting Hearing on Motion 73 MOTION for Summary Judgment: Motion Hearing set for 1/5/2006 11:00 AM in Courtroom 13 before Senior Judge Edward F. Harrington. SO ORDERED. cc/cl(Holahan, Sandra) (Entered: 12/20/2005)
12/20/2005		Judge Edward F. Harrington : Electronic ORDER entered denying 88 Motion to Compel. MOTION DENIED. cc/cl (Holahan, Sandra) (Entered: 12/20/2005)
12/22/2005	 94	ASSENTED MOTION for Extension of Time to 1/18/2006 or 1/19/2006 for hearing on motion for S/J by Ary Jewelers, LLC.(Holahan, Sandra) (Entered: 12/29/2005)
12/29/2005		Judge Edward F. Harrington : Electronic ORDER entered granting 94 Motion for Extension of Time. MOTION ALLOWED. TO BE CONTINUED TO 1/18/2006 AT 2:00 P.M. cc/cl (Holahan, Sandra) (Entered: 12/29/2005)
01/19/2006		ElectronicClerk's Notes for proceedings held before Judge Edward F. Harrington : Motion Hearing held on 1/19/2006 re 73 MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario., Counsel for all parties appear; Arguments heard; Court takes motion under advisement; Order to be issued. (Court Reporter Carol Scott.) (Holahan, Sandra) (Entered: 01/20/2006)
01/19/2006	 95	Judge Edward F. Harrington : ORDER entered. re 73 MOTION for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario, (Holahan, Sandra) (Entered: 01/20/2006)
01/19/2006	 96	Letter/request (non-motion) from Christopher R. Dillon. (Holahan, Sandra) (Entered: 01/23/2006)
01/30/2006	 97	Letter/request (non-motion) from Christopher Dillon. (Dillon, Christopher) (Entered: 01/30/2006)
02/07/2006	 98	Judge Edward F. Harrington : MEMORANDUM AND ORDER entered denying 73 Motion for Summary Judgment. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 02/07/2006)
02/07/2006	 99	NOTICE issued to Attorney Lee S. Gayer regarding mandatory use of

		ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Holahan, Sandra) (Entered: 02/07/2006)
02/07/2006		NOTICE issued to Attorney Barry L. Pickens regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Holahan, Sandra) (Entered: 02/07/2006)
02/09/2006		Joint MOTION to Continue the Final Pretrial Conference <i>Until After the Completion of Expert Discovery</i> by IBJTC Business Credit Corp., David Molinario.(Cimini, Kate) (Entered: 02/09/2006)
02/15/2006		Judge Edward F. Harrington : Electronic ORDER entered denying <u>101</u> Motion to Continue. MOTION DENIED AFTER ADVISED THAT PARTIES WOULD APPEAR. cc/cl (Holahan, Sandra) (Entered: 02/15/2006)
02/15/2006		ElectronicClerk's Notes for proceedings held before Judge Edward F. Harrington : Final Pretrial Conference held on 2/15/2006. Counsel for all parties appear; Court sets 9/25/2006 as date for non-jury trial; Order to be issued. (Court Reporter none.) (Holahan, Sandra) (Entered: 02/15/2006)
02/16/2006		Judge Edward F. Harrington : ORDER entered. PROCEDURAL ORDER re bench trial: Bench Trial set for 9/25/2006 09:00 AM in Courtroom 13 before Senior Judge Edward F. Harrington. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 02/21/2006)
03/03/2006		TRANSCRIPT of Summary Judgment Motion Hearing held on January 19, 2006 before Judge Harrington. Court Reporter: Carol Lynn Scott. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/330-1377 or the Clerk's Office. (Scalfani, Deborah) (Entered: 03/03/2006)
04/27/2006		STIPULATION of Dismissal of <i>David Molinario</i> by David Molinario. (Dillon, Christopher) (Entered: 04/27/2006)
04/27/2006		ASSENTED MOTION to Continue Bench Trial scheduled for 9/25/2006 to mid-November by IBJTC Business Credit Corp., David Molinario, Ary Jewelers, LLC, IBJ Whitehall Bank & Trust Co.(Holahan, Sandra) (Entered: 04/27/2006)
05/01/2006		Judge Edward F. Harrington : Electronic ORDER entered granting <u>105</u> Motion to Continue. MOTION ALLOWED. Bench Trial RESET for 12/11/2006 09:00 AM in Courtroom 13 before Senior Judge Edward F. Harrington. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 05/01/2006)
05/01/2006		Judge Edward F. Harrington : Electronic ORDER entered. ELECTRONIC ENDORSEMENT re <u>104</u> Stipulation of Dismissal filed by David Molinario. STIPULATION APPROVED. cc/cl (Holahan, Sandra) (Entered: 05/01/2006)
05/02/2006		Judge Edward F. Harrington : ORDER entered. REVISED PROCEDURAL ORDER re non-trial: Bench Trial RESET for 12/11/2006 09:00 AM in Courtroom 13 before Senior Judge Edward F.

		Harrington. SO ORDERED. cc/cl(Holahan, Sandra) (Entered: 05/03/2006)
06/01/2006	 107	MOTION to Compel <i>Plaintiff's Motion to Reurge Plaintiff's Previously Filed Motion to Compel</i> by Ary Jewelers, LLC.(Groff, Jill) (Entered: 06/01/2006)
06/01/2006	 108	EXHIBIT re 107 MOTION to Compel <i>Plaintiff's Motion to Reurge Plaintiff's Previously Filed Motion to Compel Exhibits to Plaintiff's Motion to Reurge Plaintiff's Previously Filed Motion to Compel</i> by Ary Jewelers, LLC. (Groff, Jill) (Entered: 06/01/2006)
06/01/2006	 109	MOTION for Discovery <i>Plaintiff ARY Jewelers, LLC's Motion for Additional Discovery</i> by Ary Jewelers, LLC.(Groff, Jill) (Entered: 06/01/2006)
06/01/2006	 110	MOTION for Order to Order Granting Motion to Compel by Ary Jewelers, LLC.(Groff, Jill) (Entered: 06/01/2006)
06/01/2006	 111	Opposition re 110 MOTION for Order to Order Granting Motion to Compel, 107 MOTION to Compel <i>Plaintiff's Motion to Reurge Plaintiff's Previously Filed Motion to Compel</i> filed by IBJTC Business Credit Corp.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F)(Dillon, Christopher) (Entered: 06/01/2006)
06/01/2006	 112	Opposition re 109 MOTION for Discovery <i>Plaintiff ARY Jewelers, LLC's Motion for Additional Discovery</i> filed by IBJTC Business Credit Corp.. (Attachments: # 1 Exhibit A# 2 Exhibit)(Dillon, Christopher) (Entered: 06/01/2006)
06/19/2006		Motions terminated: 53 MOTION to Strike filed by Ary Jewelers, LLC., 87 MOTION to File Reply Brief and Statement of Mootness re 73 MOTION for Summary Judgment, 79 MOTION to Continue Defendant's Motion for Summary Judgment filed by IBJTC Business Credit Corp., David Molinario,. (Document #53 terminated because outdated: Document #87 terminated as is was unopposed) (Holahan, Sandra) (Entered: 06/19/2006)
06/19/2006		Judge Edward F. Harrington : Electronic ORDER entered denying 107 Motion to Compel. MOTION DENIED. cc/cl (Holahan, Sandra) (Entered: 06/19/2006)
06/19/2006		Judge Edward F. Harrington : Electronic ORDER entered denying 109 Motion for Discovery. MOTION DENIED. cc/cl (Holahan, Sandra) (Entered: 06/19/2006)
06/19/2006		Motions terminated: 110 MOTION for Order to Order Granting Motion to Compel filed by Ary Jewelers, LLC,. (This was not a motion but a proposed order to a motion) (Holahan, Sandra) (Entered: 06/19/2006)
06/30/2006	 113	MOTION to Continue Date of Bench Trial by IBJTC Business Credit Corp..(Dillon, Christopher) Additional attachment(s) added on 7/6/2006 (Folan, Karen). (Entered: 06/30/2006)

07/18/2006	●	Judge Edward F. Harrington : Electronic ORDER entered granting <u>113</u> Motion to Continue Bench Trial reset for 12/4/2006 09:00 AM before Senior Judge Edward F. Harrington. (Folan, Karen) (Entered: 07/18/2006)
09/15/2006	● <u>114</u>	MOTION to Strike <i>EXPERT REPORT AND TO ENTER JUDGMENT DISMISSING THE SOLE REMAINING COUNT OF THE SECOND AMENDED COMPLAINT</i> by IBJTC Business Credit Corp..(Dillon, Christopher) (Entered: 09/15/2006)
09/15/2006	● <u>115</u>	MEMORANDUM in Support re <u>114</u> MOTION to Strike <i>EXPERT REPORT AND TO ENTER JUDGMENT DISMISSING THE SOLE REMAINING COUNT OF THE SECOND AMENDED COMPLAINT</i> filed by IBJTC Business Credit Corp.. (Dillon, Christopher) (Entered: 09/15/2006)
09/15/2006	● <u>116</u>	AFFIDAVIT of Christopher Dillon in Support re <u>114</u> MOTION to Strike <i>EXPERT REPORT AND TO ENTER JUDGMENT DISMISSING THE SOLE REMAINING COUNT OF THE SECOND AMENDED COMPLAINT</i> filed by IBJTC Business Credit Corp.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Dillon, Christopher) (Entered: 09/15/2006)
09/28/2006	● <u>117</u>	ASSENTED TO MOTION for Extension of Time to October 9, 2006 to respond to motion to strike and Motion for leave to file reply by Ary Jewelers, LLC. (Attachments: # <u>1</u> Proposed Order)(Folan, Karen) (Entered: 09/28/2006)
10/04/2006	●	Judge Edward F. Harrington : Electronic ORDER entered granting <u>117</u> Motion for Extension of Time (Folan, Karen) (Entered: 10/04/2006)
10/09/2006	● <u>118</u>	Opposition re <u>114</u> MOTION to Strike <i>EXPERT REPORT AND TO ENTER JUDGMENT DISMISSING THE SOLE REMAINING COUNT OF THE SECOND AMENDED COMPLAINT</i> filed by Ary Jewelers, LLC. (Attachments: # <u>1</u> Exhibit Defendants' Motion to STRike Certain Material Filed by Plaintiff in Opposition to Defendants' Motion for Summary Judgment# <u>2</u> Exhibit Defendants' Motion for Summary Judgment# <u>3</u> Exhibit Plaintiff ARY Jewelers, LLC's Opposition to Defendants' Motion for Summary Judgment# <u>4</u> Exhibit Joint Statement Pursuant to Local Rule 16.1(D)# <u>5</u> Exhibit Assented to Motion to Extend the Time for Fact Discovery)(Groff, Jill) (Entered: 10/09/2006)
10/09/2006	● <u>119</u>	Opposition re <u>114</u> MOTION to Strike <i>EXPERT REPORT AND TO ENTER JUDGMENT DISMISSING THE SOLE REMAINING COUNT OF THE SECOND AMENDED COMPLAINT</i> filed by Ary Jewelers, LLC. (Attachments: # <u>1</u> Exhibit Defendants' Motion to Strike Certain Material Filed by Plaintiff in Opposition to Defendants' Motion for Summary Judgment# <u>2</u> Exhibit Defendants' Motion for Summary Judgment# <u>3</u> Exhibit Plaintiff ARY Jewelers, LLC's Opposition to Defendants' Motion for Summary Judgment# <u>4</u> Exhibit Joint Statement Pursuant to Local 16.1(D)# <u>5</u> Exhibit Assented to Motion to Extend The Time for Fact Discovery)(Groff, Jill) (Entered: 10/09/2006)

10/24/2006	 <u>127</u>	Judge Edward F. Harrington : ORDER entered granting in part and denying in part <u>114</u> Motion to Strike. (Folan, Karen) (Entered: 10/25/2006)
11/09/2006	 <u>128</u>	Emergency MOTION for Reconsideration re <u>127</u> Order on Motion to Strike by Ary Jewelers, LLC.(Groff, Jill) (Entered: 11/09/2006)
11/09/2006	 <u>129</u>	MEMORANDUM in Support re <u>128</u> Emergency MOTION for Reconsideration re <u>127</u> Order on Motion to Strike <i>Expert Report of Shirley Webster</i> filed by Ary Jewelers, LLC. (Groff, Jill) (Entered: 11/09/2006)
11/13/2006	 <u>130</u>	Opposition re <u>128</u> Emergency MOTION for Reconsideration re <u>127</u> Order on Motion to Strike filed by IBJTC Business Credit Corp.. (Dillon, Christopher) (Entered: 11/13/2006)
11/13/2006	 <u>131</u>	JOINT STATEMENT of counsel <i>Pursuant to Revised Trial Order.</i> (Buford, Frank) (Entered: 11/13/2006)
11/16/2006		Judge Edward F. Harrington : Electronic ORDER entered denying <u>128</u> Motion for Reconsideration. (Folan, Karen) (Entered: 11/16/2006)
11/20/2006	 <u>132</u>	<i>Plaintiff's</i> Exhibit List by Ary Jewelers, LLC.. (Groff, Jill) (Entered: 11/20/2006)
11/20/2006	 <u>133</u>	Exhibit List by IBJTC Business Credit Corp... (Buford, Frank) (Entered: 11/20/2006)
11/21/2006	 <u>134</u>	Third MOTION to Continue Trial Setting by Ary Jewelers, LLC. (Attachments: # <u>1</u> Affidavit Verification of Jill L. Groff)(Groff, Jill) (Entered: 11/21/2006)
11/21/2006	 <u>135</u>	Opposition re <u>134</u> Third MOTION to Continue Trial Setting filed by IBJTC Business Credit Corp.. (Attachments: # <u>1</u> Exhibit A)(Dillon, Christopher) (Entered: 11/21/2006)
11/27/2006	 <u>136</u>	MOTION for Leave to Appeal by Ary Jewelers, LLC.(Groff, Jill) (Entered: 11/27/2006)
11/27/2006	 <u>137</u>	NOTICE by IBJTC Business Credit Corp. <i>of Intent to Object to Proposed Trial Exhibits and Qualifications of Expert Witnesses of Plaintiff ARY Jewelers, LLC</i> (Buford, Frank) (Entered: 11/27/2006)
11/27/2006	 <u>138</u>	MEMORANDUM in Support re <u>136</u> MOTION for Leave to Appeal filed by Ary Jewelers, LLC. (Groff, Jill) (Entered: 11/27/2006)
11/28/2006		Judge Edward F. Harrington : Electronic ORDER entered denying <u>134</u> Motion to Continue. "Motion is denied. Request for Emergency decision is allowed." (Folan, Karen) (Entered: 11/28/2006)
11/28/2006	 <u>139</u>	Opposition re <u>136</u> MOTION for Leave to Appeal filed by IBJTC Business Credit Corp.. (Dillon, Christopher) (Entered: 11/28/2006)
11/29/2006		Judge Edward F. Harrington : Electronic ORDER entered denying <u>136</u> Motion for Leave to Appeal. "Motion denied." (Folan, Karen) (Entered: 11/29/2006)

		11/29/2006)
12/04/2006	<u>140</u>	TRIAL BRIEF by IBJTC Business Credit Corp.. (Buford, Frank) (Entered: 12/04/2006)
12/04/2006	<u>141</u>	MOTION to Dismiss for Lack of Prosecution <i>and Entry of Judgment</i> by IBJTC Business Credit Corp..(Dillon, Christopher) (Entered: 12/04/2006)
12/04/2006	<u>142</u>	Judge Edward F. Harrington : ORDER entered. DEFAULT JUDGMENT in favor of Defendant. (Folan, Karen) (Entered: 12/05/2006)
12/04/2006		ElectronicClerk's Notes for proceedings held before Judge Edward F. Harrington : Bench Trial held on 12/4/2006. EFH hears from parties. Plaintiff is not prepared to go forward today with witnesses. Defendant responds and moves for a default judgment. EFH allows motion for default judgment. Defendant to file written motion. (Court Reporter Patrisso.) (Folan, Karen) (Entered: 01/03/2007)
12/05/2006		Judge Edward F. Harrington : Electronic ORDER entered granting <u>141</u> Motion to Dismiss for Lack of Prosecution. "Motion was granted in open court on 12/4/06. So ordered on 12/4/06." (Folan, Karen) (Entered: 12/05/2006)
12/08/2006	<u>143</u>	TRANSCRIPT of Bench Trial Day One held on December 4, 2006 before Judge Harrington. Court Reporter: Marcia G. Patrisso. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-8728 or the Clerk's Office. (Scalfani, Deborah) (Entered: 12/08/2006)
01/03/2007	<u>144</u>	<i>Plaintiff's</i> NOTICE OF APPEAL as to Order on Motion for Reconsideration. <u>127</u> Order on Motion to Strike, Order on Motion for Leave to Appeal. Order on Motion to Continue, Order on Motion to Dismiss/Lack of Prosecution. <u>142</u> Default Judgment by Ary Jewelers, LLC. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. (Groff, Jill) (Entered: 01/03/2007)
01/03/2007		Filing fee: \$ 455., receipt number 77384 for <u>144</u> Notice of Appeal.. (Folan, Karen) (Entered: 01/08/2007)
01/25/2007	<u>145</u>	TRANSCRIPT of Motion Hearing held on October 19, 2006 before Judge Harrington. Court Reporter: Marcia G. Patrisso. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-8728 or the Clerk's Office. (Scalfani, Deborah) Modified on 1/25/2007 (Scalfani, Deborah). (Entered: 01/25/2007)